

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JORGE GRANADOS-RAMOS,	§	
	§	
Petitioner,	§	
	§	
<i>versus</i>	§	Civil Action H-05-3301
	§	
U.S. DEPT. OF JUSTICE, <i>et al.</i> ,	§	
	§	
Respondents.	§	

MEMORANDUM ON DISMISSAL

Petitioner, Jorge Ernesto Granados-Ramos, brings this application for habeas corpus relief under 28 U.S.C. § 2241. The Petitioner was in the custody of the Federal Detention Center in Houston, Texas when he filed this application.

Petitioner's assertions follow. On August 19, 2005, the U.S. Attorney filed a motion to dismiss a pending information in a criminal case against Petitioner. Petitioner cited "Criminal Case No.H-05-607M" [*sic*]. This Court notes that the records of the Clerk of Court do not show a pending criminal case against Petitioner under that number or any other number. Furthermore, the Clerk's records do not show any civil or miscellaneous case with Petitioner as a party under any number, except the instant case. Petitioner requests that this Court order him released from custody.

The records of the Federal Bureau of Prisons show that the BOP released

Petitioner from custody on September 20, 2005. *See* <http://www.bop.gov/iloc2/LocateInmate.jsp>. This action is moot. *See Jones v. Baer*, 848 F.2d 494, 496 (5th Cir. 1988). Article III of the Constitution requires a live case or controversy at all stages of the judicial proceeding and federal courts must not decide questions that cannot affect the rights of litigants. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477-78 (1990). This Court does not have a live case or controversy to adjudicate because Petitioner's only request for relief is moot.

Accordingly, it is ORDERED that the application is DISMISSED. Petitioner's Motion to Proceed as a Pauper [Docket Entry No. 2] is GRANTED.

This Court finds that Petitioner has not made a substantial showing that reasonable jurists "would find it debatable whether the district court was correct in its procedural ruling." *Beasley v. Johnson*, 242 F.3d 248, 263 (5th Cir.) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), *cert. denied*, 534 U.S. 945 (2001)). A Certificate of Appealability will not issue.

SIGNED at Houston, Texas, on this 30th day of September, 2005.



DAVID HITTNER

United States District Judge

